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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,566	03/31/2004	Bobby Hu	CFP-2423 (20040096.ORI)	6888
23595	7590	07/27/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			MULLER, BRYAN R	
		ART UNIT	PAPER NUMBER	
		3723		
DATE MAILED: 07/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/814,566	HU, BOBBY	
	Examiner	Art Unit	
	Bryan R. Muller	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) 1 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - The word "show in line 23 of page 2 in the specification should be changed to "shown".
 - The phrase "will not be shown in detail for being conventional" in line 16 of page 3 of the specification is unclear, a suggested replacement for this phrase may be, "is well known and will not be described in detail".

Appropriate correction is required.

Claim Objections

2. Claim 1 is objected to because of the following informalities: The word "communicated" in line 4 of claims page 5 should be changed to "communicating".
Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear if the applicant is intending to claim just the

protective sleeve, or if the claim is intended to encompass the protective sleeve in combination with the extension bar.

5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 includes a conical portion and a frustum-shaped portion, which are the same thing, but only one frustum –shaped portion is disclosed in the specification and drawings, for the sake of the current office action, it will be assumed by the examiner tat the word “conical” is intended to be “cylindrical” in all occurrences in claim 4 to correspond with the disclosure from the specification and drawings. Further it is unclear what is meant by “the protective sleeve slopes to the periphery of the extension bar as the protective sleeve is put on the extension bar”. For the sake of the current office action, this statement will be interpreted, as best understood by the examiner as saying that the slope of the frustum-shaped portion of the protective sleeve slopes towards the extension bar in the same direction as the protective sleeve is put on the extension bar.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by McCann (5,090,275).

8. In reference to claim 1, McCann discloses a protective sleeve (30) for use with an extension bar (10) comprising a detent (60) and a button (50) for controlling the detent, the protective sleeve defines a hole and an aperture (31) communicated with the hole, wherein the hole receives the extension bar when the aperture receives the button.

9. In reference to claim 3, McCann further discloses that the protective sleeve comprises a thickness greater than the height of the button (shown in figure 4).

10. In reference to claim 4, McCann further discloses that the protective sleeve comprising a periphery with a **cylindrical** portion and a frustum-shaped portion (on both ends of the cylindrical portion) sloping from the **cylindrical** portion, wherein the frustum-shaped portion of the periphery of the protective sleeve slopes to the periphery of the extension bar as the protective sleeve is put on the extension bar.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCann (5,090,275) in view of Cerda (6,336,382).

13. McCann discloses the protective sleeve for use with an extension bar, as discussed supra, but fails to disclose a recess for receiving a user's finger, wherein the aperture is located within the recess. Cerda discloses a ratchet wrench head member for connection with an extension bar or handle. The head comprises a hole for receiving the extension bar or handle, an aperture for receiving a button on the extension bar or handle and a recess for receiving a user's finger, wherein the aperture is located within the recess. Cerda further teaches that the recess (release hole) is a wide shallow hole to allow easy access for a user's thumb or finger. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the protective sleeve of McCann with a wide shallow recess for receiving the user's finger, wherein the aperture is located within the recess to provide easy access for the user's finger, as taught by Cerda.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wang (6,792,839) and Cheng (2004/0089116) both disclose protective sleeves to cover buttons for detents on extension bars and Hoff (6,199,457) discloses a recess for receiving an operator's finger around an aperture for a button for a detent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan R. Muller whose telephone number is (571) 272-

4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BRM BRM
7/21/2005



Joseph J. Hail, III
Supervisory Patent Examiner
Technology Center 3700